

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHARLES L. ADLER, GRANT ADLER,
C. M. ADLER, LLC,

Plaintiffs,

v.

GRUMA CORPORATION,
Defendant.

Case No. 22-cv-06598-GC-DEA

**DECLARATION OF RON
ANDERSON**

Filed Electronically

Ron Anderson, of full age, hereby declares:

1. I am Vice President of Retail Sales for Gruma Corporation (“Gruma”). I make this declaration based upon personal knowledge.
2. Gruma maintains its headquarters at 5601 Executive Dr. Suite 800, Irving, Texas 75038.
3. Texas is the state where the company’s business affairs in the United States are centered, especially as it relates to independent distributors. Some of its business affairs carried out in Texas are specified below.
4. Gruma developed its policy and practice of designating distributors as independent contractors in Texas.

5. Texas is the state from which Gruma coordinates and carries out the process of drafting and enforcing Store Door Distributor Agreements with independent distributors, including the drafting and sending of notices to such distributors.

6. Gruma coordinates in Texas the purchase and distribution of its products by independent distributors in Texas.

7. Gruma employs in Texas its senior leadership staff, finance employees, and its senior operation employees, and manages those employees that interact with independent distributors throughout the United States.

8. Gruma creates and maintains in Texas its customer relationships with customers that independent distributors distribute Gruma products to.

9. Texas is the state where Gruma determines prices for its products purchased by independent distributors.


10. Gruma employs in Texas its technical team that assists with issues related to the independent distributors' use of their own or Gruma's handheld computers, which facilitate the processing of product orders, purchases, and sales.

11. Texas is where Gruma coordinates logistical efforts for utilizing third-party carriers that are responsible for delivering product to the warehouses of independent distributors (like plaintiff C. M. Adler, LLC) that utilize their own warehouses.

12. Texas is also the state from where Gruma remits payment to independent distributors including plaintiff C. M. Adler on a weekly basis for their sales less agreed upon fees, and the state from which it sends yearly Form 1099s to such distributors. I have attached to this Declaration as Exhibit A the Form 1099s sent by Gruma to C. M. Adler, LLC for the six full calendar years of 2016 to 2021. Gruma paid C. M. Adler LLC the amount reported on those Form 1099s.

I declare under penalties of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: February 09, 2023



Ron Anderson

EXHIBIT A

☐ CORRECTED (if checked)**Nonemployee
Compensation**

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. GRUMA CORPORATION 5601 EXECUTIVE DRIVE IRVING TX 75038-2508 972-232-5497		OMB No. 1545-0116 Form 1099-NEC (Rev. January 2022) For calendar year 2021		Copy B For Recipient This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
PAYER'S TIN [REDACTED] 6486	RECIPIENT'S TIN [REDACTED] 7741	1 Nonemployee compensation \$ 76,197.00		
RECIPIENT'S name C M ADLER LLC		2 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale <input type="checkbox"/>		
Street address (including apt. no.) 3598 VICARI AVE		3 [REDACTED]		
City or town, state or province, country, and ZIP or foreign postal code TOMS RIVER NJ 08755		4 Federal income tax withheld \$		
Account number (see instructions) [REDACTED] 3171		5 State tax withheld \$	6 State/Payer's state no. -----	
			7 State income \$	

Form **1099-NEC** (Rev. 1-2022)

(keep for your records)

www.irs.gov/Form1099NEC

Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. GRUMA CORPORATION 5601 EXECUTIVE DRIVE IRVING TX 75038-2508 972-232-5497		OMB No. 1545-0116 2020 Form 1099-NEC		Nonemployee Compensation Copy B For Recipient This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
1 Nonemployee compensation \$ 119,404.91		2		
PAYER'S TIN 6486	RECIPIENT'S TIN 7741	3		
RECIPIENT'S name C M ADLER LLC		4 Federal income tax withheld \$ 0.00		
Street address (including apt. no.) 3598 VICARI AVE		5 State tax withheld \$ 0.00		
City or town, state or province, country, and ZIP or foreign postal code TOMS RIVER NJ 08755		6 State/Payer's state no.		
Account number (see instructions) 3171		7 State income \$		

Form 1099-NEC

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Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. GRUMA CORPORATION 5601 EXECUTIVE DR. SUITE 800 IRVING TX 75038-2508 972-232-5497		1 Rents	OMB No. 1545-0115 2019 Form 1099-MISC		Miscellaneous Income
		\$			
		2 Royalties			
		3 Other income	4 Federal income tax withheld	Copy B For Recipient	
		\$	\$		
PAYER'S federal identification number	RECIPIENT'S identification number	5 Fishing boat proceeds	6 Medical and health care payments		
6486	7741	\$	\$		
RECIPIENT'S name C M ADLER LLC Street address (including apt. no.) 3598 VICARI AVE City or town, state or province, country, and ZIP or foreign postal code TOMS RIVER NJ 08755		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.	
		\$ 100,331.49	\$		
		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input checked="" type="checkbox"/>	10 Crop insurance proceeds		
	\$				
Account number (see instructions)	FATCA filing requirement	11	12		
3171	<input type="checkbox"/>	13 Excess golden parachute payments	14 Gross proceeds paid to an attorney		
		\$	\$		
15a Section 409A deferrals	15b Section 409A income	16 State tax withheld	17 State/Payer's state no.	18 State income	
\$	\$	\$		\$	

Form 1099-MISC

(keep for your records)

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. GRUMA CORPORATION 5601 EXECUTIVE DR. SUITE 800 IRVING TX 75038-2508 972-232-5497		1 Rents	OMB No. 1545-0115 2018 Form 1099-MISC		Miscellaneous Income
		\$			
		2 Royalties			
		\$	3 Other income	4 Federal income tax withheld	Copy B For Recipient
		\$	\$		
PAYER'S federal identification number	RECIPIENT'S identification number	5 Fishing boat proceeds	6 Medical and health care payments		
6486	7741	\$	\$	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.	
RECIPIENT'S name C M ADLER LLC Street address (including apt. no.) 3598 VICARI AVE City or town, state or province, country, and ZIP or foreign postal code TOMS RIVER NJ 08755		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest		
		\$ 86,834.02	\$		
		9 Payor made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input checked="" type="checkbox"/>	10 Crop insurance proceeds		
		\$	\$		
Account number (see instructions)	FATCA filing requirement	11	12		
3171	<input type="checkbox"/>	13 Excess golden parachute payments	14 Gross proceeds paid to an attorney		
		\$	\$		
15a Section 409A deferrals	15b Section 409A income	16 State tax withheld	17 State/Payer's state no.	18 State income	
\$	\$	\$		\$	
		\$		\$	

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www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

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PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. GRUMA CORPORATION 5601 EXECUTIVE DR. SUITE 800 IRVING TX 75038-2508 972-232-5497		1 Rents	OMB No. 1545-0115		Miscellaneous Income 2017 Form 1099-MISC	
		\$				
		2 Royalties				
		\$				
PAYER'S federal identification number 6486		RECIPIENT'S identification number 7741		3 Other income	4 Federal income tax withheld	Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
				\$	\$	
RECIPIENT'S name C M ADLER LLC Street address (including apt. no.) 3 HERITAGE ROAD City or town, state or province, country, and ZIP or foreign postal code EATONTOWN NJ 07724		5 Fishing boat proceeds	6 Medical and health care payments			
		\$	\$			
		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest			
		\$ 137,756.98	\$			
Account number (see instructions) 3171		FATCA filing requirement <input type="checkbox"/>		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input checked="" type="checkbox"/>	10 Crop insurance proceeds	
				\$	\$	
11		12		13 Excess golden parachute payments	14 Gross proceeds paid to an attorney	
				\$	\$	
15a Section 409A deferrals	15b Section 409A income	16 State tax withheld	17 State/Payer's state no.	18 State income		
\$	\$	\$		\$		

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PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. GRUMA CORPORATION 5601 Executive Dr. Suite 800 Irving TX 75038-2508 972-232-5497		1 Rents	OMB No. 1545-0115		Miscellaneous Income Copy B For Recipient
		\$	2016 Form 1099-MISC		
		2 Royalties			
PAYER'S federal identification number [REDACTED] 6486		RECIPIENT'S identification number [REDACTED] 7741		3 Other income	4 Federal income tax withheld
				\$	\$
RECIPIENT'S name C M ADLER LLC Street address (including apt. no.) 3 HERITAGE ROAD City or town, state or province, country, and ZIP or foreign postal code EATONTOWN NJ 07724		5 Fishing boat proceeds	6 Medical and health care payments	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.	
		\$	\$		
		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest		
		\$ 102,832.65	\$		
Account number (see instructions) [REDACTED] 3171		FATCA filing requirement <input type="checkbox"/>		9 Payor made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input checked="" type="checkbox"/>	10 Crop insurance proceeds
		11 12		\$	\$
13 Excess golden parachute payments \$		14 Gross proceeds paid to an attorney \$		15a Section 409A deferrals \$	
15b Section 409A income \$		16 State tax withheld \$		17 State/Payer's state no. \$	
				18 State income \$	

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